

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INDICTMENT

-v.- :

S1 04 Cr. 760

WILSON ENCARNACION, :
FNU LNU, :

a/k/a "Khaki," :

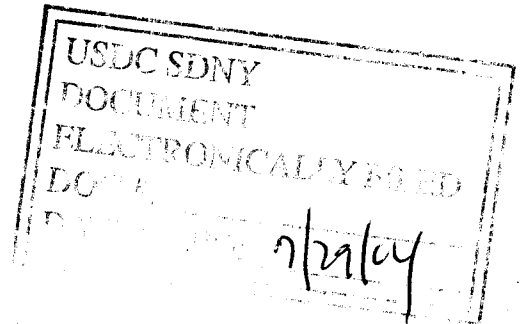
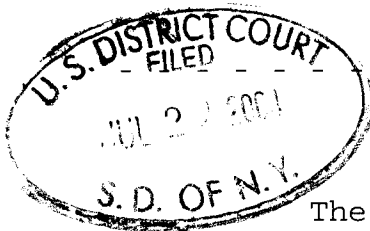
MAXIMO GUILLEN, :

ALFREDO SEPULVEDA, and :

LUIS SEPULVEDA, :

Defendants. :

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COUNT ONE

The Grand Jury charges:

1. In or about July 2004, in the Southern District of New York and elsewhere, WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, conspired to rob a cocaine dealer of 7 kilograms of cocaine and

drug proceeds, in the vicinity of 207th Street and Tenth Avenue, New York, New York, and in the course of such conspiracy to rob a firearm was possessed.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 7, 2004, FNU LNU, a/k/a "Khaki," the defendant, met with a confidential informant employed by the Drug Enforcement Administration (the "CI") in New York, New York, and told the CI, in substance, that he could provide a crew of robbers with weapons to commit an armed robbery of a drug dealer.

b. On or about July 12, 2004, FNU LNU, a/k/a "Khaki," the defendant, told the CI that his robbery crew was prepared to commit the robbery.

c. On or about July 14, 2004, WILSON ENCARNACION, MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, traveled to the vicinity of 207th Street and Tenth Avenue in New York, New York.

d. On or about July 14, 2004, ALFREDO SEPULVEDA and LUIS SEPULVEDA, the defendants, wore gold-colored law enforcement shields around their necks, in the vicinity of 207th

Street and Tenth Avenue in New York, New York.

e. On or about July 14, 2004, WILSON ENCARNACION, the defendant, wore a gold-colored law enforcement shield around his neck and also carried a knife, in the vicinity of 207th Street and Tenth Avenue in New York, New York.

f. On or about July 14, 2004, MAXIMO GUILLEN and LUIS SEPULVEDA, the defendants, in the vicinity of 207th Street and Tenth Avenue in New York, New York, drove a green BMW automobile (the "green BMW") in reverse at a high rate of speed and rammed an oncoming vehicle driven by a member of the New York Drug Enforcement Task Force.

g. On or about July 14, 2004, MAXIMO GUILLEN and LUIS SEPULVEDA, the defendants, in the vicinity of 207th Street and Tenth Avenue in New York, New York, drove a green BMW that contained within it a .40 caliber firearm, duct tape, gloves, hats and a baseball bat.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

3. In or about July 2004, in the Southern District of New York and elsewhere, WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate

and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of said conspiracy that WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 7, 2004, FNU LNU, a/k/a "Khaki," the defendant, met with a confidential informant employed by the Drug Enforcement Administration (the "CI") in New York, New York, and told the CI, in substance, that he could provide a crew of robbers with weapons to commit an armed robbery of a drug dealer.

b. On or about July 14, 2004, WILSON ENCARNACION, MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, met to

commit an armed robbery of a cocaine dealer in the vicinity of 207th Street and Tenth Avenue in New York, New York.

c. On or about July 14, 2004, MAXIMO GUILLEN and LUIS SEPULVEDA, the defendants, drove a green BMW that contained within it a .40 caliber firearm, duct tape, gloves, hats and a baseball bat.

(Title 21, United States Code, Section 846.)

COUNT THREE

The Grand Jury further charges:

6. On or about July 14, 2004, in the Southern District of New York and elsewhere, WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, used and carried a firearm, and aided and abetted the use and carrying of a firearm, and possessed a firearm in furtherance of such crime, to wit, WILSON ENCARNACION, FNU LNU, a/k/a "Khaki," MAXIMO GUILLEN, ALFREDO SEPULVEDA, and LUIS SEPULVEDA, the defendants, and others known and unknown, used and carried a .40 caliber firearm during and in relation to the conspiracy to commit robbery charged in Count One of this Indictment and the conspiracy to distribute controlled substances charged in Count Two of this Indictment.

(Title 18, United States Code,
Sections 924(c) (1) (A) (i) and 2.)


COUNT FOUR

The Grand Jury further charges:

7. On or about July 14, 2004, in the Southern District of New York, MAXIMO GUILLEN and LUIS SEPULVEDA, the defendants, unlawfully, wilfully, and knowingly did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States and of an agency in a branch of the United States Government, while said officer and employee was engaged in and on account of the performance of official duties, to wit, GUILLEN and SEPULVEDA, while in a green BMW automobile, rammed that automobile into an automobile driven by a member of the New York Drug Enforcement Task Force, a federal task force comprised of agents of the Drug Enforcement Administration and officers of the New York City Police Department and the New York State Police.

(Title 18, United States Code, Sections 111 and 2.)


FOREPERSON


DAVID N. KELLEY
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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FNU LNU, a/k/a "Khaki,"
MAXIMO GUILLEN,
ALFREDO SEPULVEDA, and
LUIS SEPULVEDA,

Defendants.

INDICTMENT

04 Cr.

(18 U.S.C. §§ 1951, 924(c), 111 and 2,
and 21 U.S.C. § 846.)

DAVID N. KELLEY
United States Attorney.

A TRUE BILL

 2750-404
Foreperson.
